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Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Chairman of the Commission on Human Rights and, with reference to its previous note No. 1128/1 of 24 December 1993, has the honour to enclose herewith, once again, a document prepared by the Government of the Federal Republic of Yugoslavia entitled "Memorandum on ethnic cleansing and other human rights violations in Croatia" with the request that it be circulated as an official document of the fiftieth session of the Commission on Human Rights under agenda item 12.

Note: Annexes not printed are available for consultation in the secretariat.

GE.94-11198

MEMORANDUM ON ETHNIC CLEANSING AND OTHER HUMAN RIGHTS VIOLATIONS IN CROATIA

In an attempt to secede forcibly from the Socialist Federal Republic of Yugoslavia, the authorities of the Republic of Croatia have violated many international acts as they tried to incorporate into their newly established State the territories which legally, historically and ethnically do not belong and cannot belong to the Croatian people. By invoking the right of peoples to self-determination as a basis for the secession of the Croatian State, the authorities of this Republic have denied that same right to the Serb people who as a preponderant majority has lived in these territories for centuries and has asserted throughout history its State personality and position. In order to realize their territorial aspirations towards this territory, the Croatian authorities have tried in peace time, and particularly by provoking the war, to eliminate through systematic terror which often assumed cruel and large proportions, the Serb people both from the said territories and the territories in which Croats constitute a majority.

By presenting only a fraction of crimes committed by the authorities of the Republic of Croatia against Serbs, this Memorandum is aimed at drawing the attention of the international public to the frightening methods used by these authorities to achieve their political aspirations and at revealing before the eyes of the world only part of the truth about the suffering of the Serb people. This truth which was thrust upon the world at the time of the heinous crimes committed by the Croatian armed forces in the Medak pocket in the Republic of Serbian Krajina on 9 September 1993, and even then very stintingly, has a very long past and present history. Its presentation to the world public is the only way to deny the crimes like those dealt with in this Memorandum the right to future.

The crime committed by the Croatian armed forces on 9 September 1993 in the villages of Divoselo, Lički Čitluk, Počitelj and in other settlements of the Medak pocket, to the south and southeast of Gospić, by killing in a bestial manner all the civilians and wounded people they could find, and by looting, pulling down and setting on fire all the buildings and production facilities there, was yet another in the series of crimes committed against the Serb people in the territory of Croatia during the 1991-1993 war.

All the said crimes were, in fact, the follow-up of those committed against the Serbs in the "Independent State of Croatia" (present-day Croatia and Bosnia-Herzegovina) in the Second World War in 1941-45, in order to accomplish for Croatia the ideological and political objective of its global strategy to become nationally and religiously homogeneous, that is, a State where there is no place for the Serb orthodox people or any agreement with this people.

During the Second World War, it is well known, over 1 million Serb civilians - men, women and children 1/ 2/ - were killed, their homes torn down and set to the torch, cultural and ecclesiastical buildings were destroyed in the territory of the fascist, quisling Independent State of Croatia. From 1941 to 1945, 907 people 3/ perished in the village of Divoselo alone and 4,740 persons 4/ in Gospić.

Both in the Second World War and in the ongoing developments, the genocidal idea of ethnic cleansing of the Serb people has been implemented by resorting to killings, expulsion, forcible movements of populations and finally, by conversion to Catholicism in the spirit of centuries-long proselytism and the political aim of the Roman Catholic Church.

Identical methods were also applied in the recent civil war and one should therefore not be surprised by the statement of General Jean Cott describing the crime in the Medak pocket of 19 September 1993 in the following words: "I have detected no signs of life at all either in men or in animals in the several villages which we passed through. Devastation was complete and deliberate"; nor by the words of Cedric Thornberry that this was one of the worst things he had seen in the war in the territories of the former Yugoslavia.

The crime in the Medak pocket took a toll of 67 human lives. Other people have been reported missing. There are, however, grounds for the assumption that many of those lives were lost somewhere in the karst pits of Mt. Velebit, a typical method of liquidation of the Serb population

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1/ The figure does not include soldiers.

2/ According to the data of the US intelligence service (: : well-known "Serge Krizman" map) in the period from April 1941 to August 1942 alone 744,000 Serb civilians were put to death including: 78,000 - by the German army, 20,000 by the Italian military, 30,000 by Hungarians, 600,000 by Ustashas, 10,000 by the Albanian police and army and 6,000 by the Bulgarian army. Massacres and deaths were registered particularly in the area of Gospić. (See Annex No.1)

3/ See Annex No. 2

4/ See Annex No. 3

during the recent war and in the Second World War 5/. Many victims died, it was ascertained, not as a consequence of military operations but as a result of deliberate subsequent killings. The inspection of their bodies disclosed exposure to fire prior to death of many and signs of massacre or mutilation on some. According to forensic medical reports, many of the victims were not put to death during the initial operations by the Croatian forces, but much later, namely on 16 September in the course of the latter's retreat and immediately prior to the entry of UNPROFOR troops and their initial deployment.

All this points to deliberate and planned killings of Serb civilians, the wounded and the sick on orders issued by the high military command.

Many other examples testify to this being a general policy of the state of Croatia vis-a-vis the Serb people ever since the outbreak of war in 1991. Here are only some of them:

- In the period from mid-October 1991 until the end of March 1992 some 2.500 Serbs were liquidated in the area of Marino Selo and Pakračka Poljana. Victims were brought from Zagreb, Gospić, Rijeka, Gareśnica, Podravska Slatina and West-Slavonian settlements, and were put to death immediately or after having been subjected to brutal torture to be then buried in collective graves 6/.

In Pakračka Poljana alone 17 large graves (measuring 20 to 5 metres) with several hundred bodies as well as a number of smaller graves (measuring 2 to 3 metres) have been unearthed to date. Some 800 Serbs were buried in several graves at Marino Selo in a field between the village and the fishpond near the bank of the Ilova river. The Information Centre of the Serbian Sabor in Belgrade has made detailed maps of the graves so far discovered based on the testimonies of those who had survived, while UNPROFOR is

- Liquidations were directed by the Special Purpose Squad of the Ministry of the Interior of the Republic of Croatia under the command of Tomislav Merčep, with the agreement of the then Minister of the Interior

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5/ In 1941 some 60.000 Serbs were thrown into the pits of Mt.Velebit in the nearby Jadovno ustasha camp - the precursor of Jasenovac - within no more than 62 days and particularly from 2-5 August 1941. 1,400 Serbs were thrown into the so-called Šaranova pit, all of them from a single village of Grubišino Polje. So far 18 other karst pits into which Serbs were thrown have been discovered on Mt. Velebit. There are grounds to suspect that at the very outset of the 1991 war several hundred Serbs in Gospić and the surrounding area perished in this way and 10 persons from the village of Divoselo.

6/Circulated as a UN Document, i.e. annex to the reports of the FR of Yugoslavia on the war crimes committed in the territory of the former Yugoslavia.

In possession of similar maps made by D.B. Nicholson.

Ivan Vekić and with the knowledge of Zdravko Tomac. Today, however, many obstacles are raised to the exhumation of these graves for political, technical and other reasons. There is a justified suspicion that it is done in an attempt to minimize the genuine extent of the crimes committed. A Security Council expert commission headed by Sherif Bassiouni and William J. Fenrick has failed to create necessary preconditions for the exhumation of the mass graves in Marino Selo and Pakracka Poljana since the presence of no Serb observers and experts has been ensured, no witnesses who would identify the burial places of slaughtered Serbs have been heard and the relatives of the victims have not been invited to assist in identification. Furthermore, rather than at the places where the greatest number of Serbs killed in the death camps of Marino Selo and Pakračka Poljana were buried, the exhumations have been carried out at secondary locations.

According to the letter of W.J. Fenrick of 2 December 1993 only one grave with nineteen Serb corpses was exhumed. The Information Centre of the Serbian Sabor, which is in possession of relevant documents, has shown readiness to make available to the UN experts, in addition to file No. 371, the documents which have not been published yet, including the maps with the locations of graves.

Only after the problems with the exhumation of the graves arose, did Mr. Fenrick express his readiness to meet the representatives of the Information Centre of the Serbian Sabor and take over the documents.

- As part of mass ethnic cleansing of the Serb people in Western Slavonia 10 urban and 183 rural settlements were uprooted completely and 87 in part in 1991 and 1992.

- In the ethnic cleansing on 10 December 1992, the 123rd National Guard Brigade of the Republic of Croatia led by Miljenko Crnac raided 24 then still undisturbed villages in the municipality of Slavonska Požega and, by throwing inflammable materials and hand grenades, burned down all the houses together with many people inside and killed the rest in a grisly manner. This is how dozens of civilians, mainly women, old and sick people unable to flee, were put to death. 7/

- On 25/26 December 1991 16 Serb villagers of Gornji Grahovljani, municipality of Pakrac - all of them aged between 60 and 80 - were killed; a child's body was discovered as well.

7/ Circulated as a UN Document, i.e. annex to the reports on the war crimes committed in the territory of the former Yugoslavia.

- At Paulino Selo, situated halfway from Vinkovci to Osijek, all villagers that could be found, a total of 18 Serbs and 1 Hungarian, were closed in a house and executed. The house where the crime took place was subsequently razed so that it could not be established how those persons had been put to death.

- 28 soldiers were executed and massacred by the Croatian armed formations at Gračanica near Glina on 12/13 December 1991. One of the soldiers was nailed to the wall.

- 41 persons lost their lives at Miljevački Plato on 21 June 1992. They had been subjected to such a massacre by the Croatian military that their identification was impossible 8/, etc.

These and many other methods of ethnic cleansing were applied against the Serb population in Croatia during the period 1991 - 1993, ranging from the more "subtle" ones like taunting children at school for being Serbs; harassment: apartment searches: police arrests and interrogation: telephone switch-offs: regarding the ownership of books printed in the Cyrillic alphabet as proof of "Serbophile" leanings; putting up on public notice boards, distribution and even selling in public of lists of names of political non-like-minded persons. particularly of Serb intellectuals; denial of citizenship; job dismissals; evictions; orders to move out 9/; to the most drastic ones like torture. degrading and inhuman treatment in detention, repeated rapes 10/; taking of blood plasma: and blowing up of over 6,000 houses with mines and destroying of cultural monuments. (94 Orthodox churches were damaged and another 70 blown up including, among others, the Archibishop's residence at Pakrac along with the library dating from 1690.11/

As a result of all this. according to Security Council report No. S 25777 submitted by B.Boutros Ghali. 251.000 Serbs have been expelled from Croatia or. according to our updates, over 300,000. Likewise. the Serbs have lost the ownership of 26.285 hectares of land and the Yugoslavs - 3,952 hectares in Western Slavonia alone.

However, the exodus of the Serb population was particularly noticeable in urban areas. From Zagreb alone over 70,000 persons of the 100,000 registered Serbs, Muslims, Romanies and persons from mixed

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8/ Following this incident the Security Council issued resolution 762 and condemned Croatia.

9/ For instance. the order by the Slavonska Požega Crisis Committee dated 29 October 1991.

10/ See the documents of the Information Centre of the Serbian Sabor in Belgrade.

11/ See Annex No. 4

marriages, etc. have been driven out, another 2,000 from Sisak, 10,000 from Vinkovci, 5,000 from Gospić, and 26,000 from Rijeka. Pressure continue to be exerted on the Serbs and quite a large number of persons have or are about to change their name or surname under duress, major steps are being taken to convert the Serb population and Serb children to the Catholic faith. The children previously baptized (and anointed) according to the Orthodox canon are being confirmed afresh 12/, religious instruction has been introduced in schools and Serb clergy expelled and is not at all in a position to return and discharge their duties as the Croatian state does not guarantee even he most fundamental right to life. But, the most far-reaching idea of all is undoubtedly the idea to establish the Croatian Orthodox Church, in itself an attack on the very roots of Serbdom, through its institutional separation from the orthodox Church and rapprochement with Catholicism. Such a Church existed only in the days of the Independent State of Croatia. 13/

Croatia has also failed to enable the return of the Serbs to the areas from which they have been driven out. Rather, efforts are being made to prevent their return. Suffice it to mention here the project for the nuclear waste depository in Western Slavonia (Pakrac, etc.) due to be approved in the near future 14/. In addition, the ethnically cleansed but un-demolished Serb villages are now receiving Croatian settlers.

Belgrade, November 1993

12/ See Annex No. 5
13/ See Annex No. 6
14/ See Document E.CN.4/1993/108.

CIVILIAN CASUALTIES IN THE GOSPIĆ AND PERUŠIĆ DISTRICTS 1941 - 1945

	COMMUNE	GOSPIĆ	KARLOBAG	OSIK	MEDAK	SMILJAN	KOSINJ	PAZARIŠTE	PERUŠIĆ	TOTAL
TOTAL	Men	734	14	806	500	293	440	22	215	2524
	Women	784	9	249	361	293	349	8	163	2216
	TOTAL	1518	23	55	861	586	79	30	373	4740
AGE	under 15	450	2	161	166	171	225	9	82	1226
	15 - 50	645	18	213	376	272	380	17	195	2116
	50 and over	410	3	167	296	142	182	4	101	1305
	unidentified	13	-	14	23	1	2	-	-	53
SOCIAL BACK-GROUND	peasants	794	9	37	593	366	527	15	251	2939
	children and pupils	523	3	459	176	180	225	9	05	1390
	workmen	20	7	7	28	11	-	-	5	78
	craftsmen	44	2	1	14	10	15	3	23	112
	clerks	48	-	7	20	9	10	2	5	101
	merchants	14	-	3	12	2	5	1	3	40
	innkeepers	4	-	-	1	-	-	-	1	6
	teachers	24	-	-	1	1	-	-	-	26
	pensioners a.o.	47	2	-	16	7	7	-	1	80
NATIONALITY	Serbs	1405	-	529	847	542	777	-	232	4337
	Croats	98	23	26	14	45	12	30	140	388
	Other	2	-	-	-	-	-	-	-	2
	Unidentified	9	-	-	-	1	-	-	1	11
CRIMES ATTRIBUTED TO	Ustashis	1486	18	515	668	563	770	12	351	4363
	Italians	14	1	14	93	10	5	-	10	147
	Germans	11	1	12	45	-	3	-	4	76
	Bombs and mortars	23	2	11	12	6	10	18	3	85
	Other	4	1	3	43	7	1	-	10	69
YEARS OF DEATH	1941	1191	-	426	332	497	608	4	150	3217
	1942	36	1	24	68	8	47	6	10	200
	1943	97	12	35	173	38	13	14	38	415
	1944	77	8	63	236	9	121	5	164	686
	1945	6	-	1	14	-	-	-	-	21

Ref. Milan Bulajić: USTASHI CRIMES OF GENOCIDE No.3,RAD, Beograd, 1989,p.314

ANNEX 3

Population trends at DIVOSELO, ČITLUK and POČITELJ from 1857 - 1931 and 1948 - 1971

Settlement / Population future as per census of	Divoselo	Lički Čitluk	Počitelj
1857	1844	434	1340
1869	1986	505	1505
1880	2005	480	1432
1890	2148	478	1550
1900	2222	637	1674
1910	2001	627	1545
1921	2128	603	1594
1931	2164	570	1626
1948	679	344	843
1953	697	322	1008
1961	628	279	800
1971	505	235	640

The above statistics were prepared after the official Croatian source: Mirko Korenčić. Settlements and the population of the Socialist Republic of Croatia 1857 - 1971. Works of the Yugoslav Academy of Sciences and Arts (JAZU), volume 4, Zagreb, 1979.

ANNEX 4 - Agenda Item 12

THE ORDEALS OF THE SERBIAN ORTHODOX CHURCH IN THE WAR 1991-1993

During the Second World War (1941-1945), 512 clergymen, including three bishops, were insidiously put to death along with millions of other Serbs in the area of 23 eparchies of the Serbian Orthodox Church. During that war 437 Serb Orthodox churches, monasteries and chapels were demolished. The ustashi authorities looted 40 wagons of religious works of art and other items from Serb churches and monasteries and took them to Zagreb. After the war, in 1946 and in 1985, around 70 per cent of the valuables were returned.

In the recent war (1991-1993) which is still on, 156 churches and monasteries were demolished and another 169 severely damaged, 65 parochial homes or other religious buildings were torn or burnt down and 43 parochial homes and other church buildings damaged in the space of the former Yugoslav republics of Croatia and Bosnia-Herzegovina where there are ten Serb Orthodox Bishoprics. 18 Serb cemeteries were devastated or ploughed over and 12 were badly damaged.

Of 10 episcopal residences, 8 were blown up with mines, shelled or badly damaged, and 7 bishops have moved out. The seat of the metropolitan was mined in Zagreb, badly damaged in Karlovac, shelled, badly damaged and devastated at Pakrac, badly damaged and devastated in Šibenik, mined and demolished in Mostar, shelled and set on fire in Sarajevo, shelled and badly damaged in Tuzla. The summer residence of the Zahumlje-Herzegovina bishop in Dubrovnik was also destroyed, and the newly-appointed bishop at Osiječko Polje and Baranja was prevented from locating his seat in Osijek. The following high priests of the Serbian Orthodox Church are now outside their episcopal residences: Metropolitan Jovan of Zagreb and Ljubljana, Nikanor of Gornji Karlovac, Lukijan of Slavonija, Longin of Dalmatia, Atanasije of Zahumlje-Herzegovina, Nikolaj of Dabrobosna, Vasilije of Zvornik and Tuzla and Lukijan of Osijek and Baranja. No bishop of the Serbian Orthodox Church is now in his seat anywhere in the present-day Republic of Croatia for two main reasons: either the residence has been demolished or the competent Croatian authorities have banned it. In the area of the present-day Republic of Yugoslavia 7 Roman-Catholic bishops pursue their work unhindered. Furthermore, certain Roman Catholic bishops from Croatia have been allowed a visit to Catholic believers in the Republic of Serbia, for instance, bishop Ćiril Kos who recently paid a visit to Srem.

In the course of this war, Serb churches were torn down in equal measure by Croat nationalists and by Muslim fundamentalists. A large number of church buildings, around 70 per cent, were destroyed outside of war operations and far from the frontlines, even as much as 100 kms away. Damage was inflicted as monuments of outstanding value, the 16th century Žitomislić Monastery, and the two wooden churches at Pastovac and Donja Rašenica dating back to 1700 and 1709, for instance. The new churches constructed in Petrinja, Nova Gradiška, Slavonski Brod and elsewhere after World War II on the remains of those demolished in that war were recently destroyed once again.

When churches are devastated, gone is also the great movable artistic and ecumenical property, particularly iconostases. As there are an average no less than 30 icons decorated the iconostasis - there are sometimes as many as 70 - one comes up,

by multiplying the number of torn-down churches, with the figure of close to 5,000 destroyed icons created by the foremost 15th - 19th century painters. Forever lost are also a large number of items used in religious service and other works of sacral art and historic value. The Museum of the Serbian Orthodox Church in Zagreb was mined and the old Episcopal Library at Pakrac, founded in 1690 by the Serbian patriarch Arsenije, a national library second in value only to the National Library of Serbia, was looted and partly destroyed. Unknown is the fate also of other church museums and treasuries, among other, in Dubrovnik, Šibenik, Zadar, Sarajevo, Karlovac, Tuzla and Osijek.

Slobodan Mileusnić, M.A.
Chief Custodian of the SOC Museum

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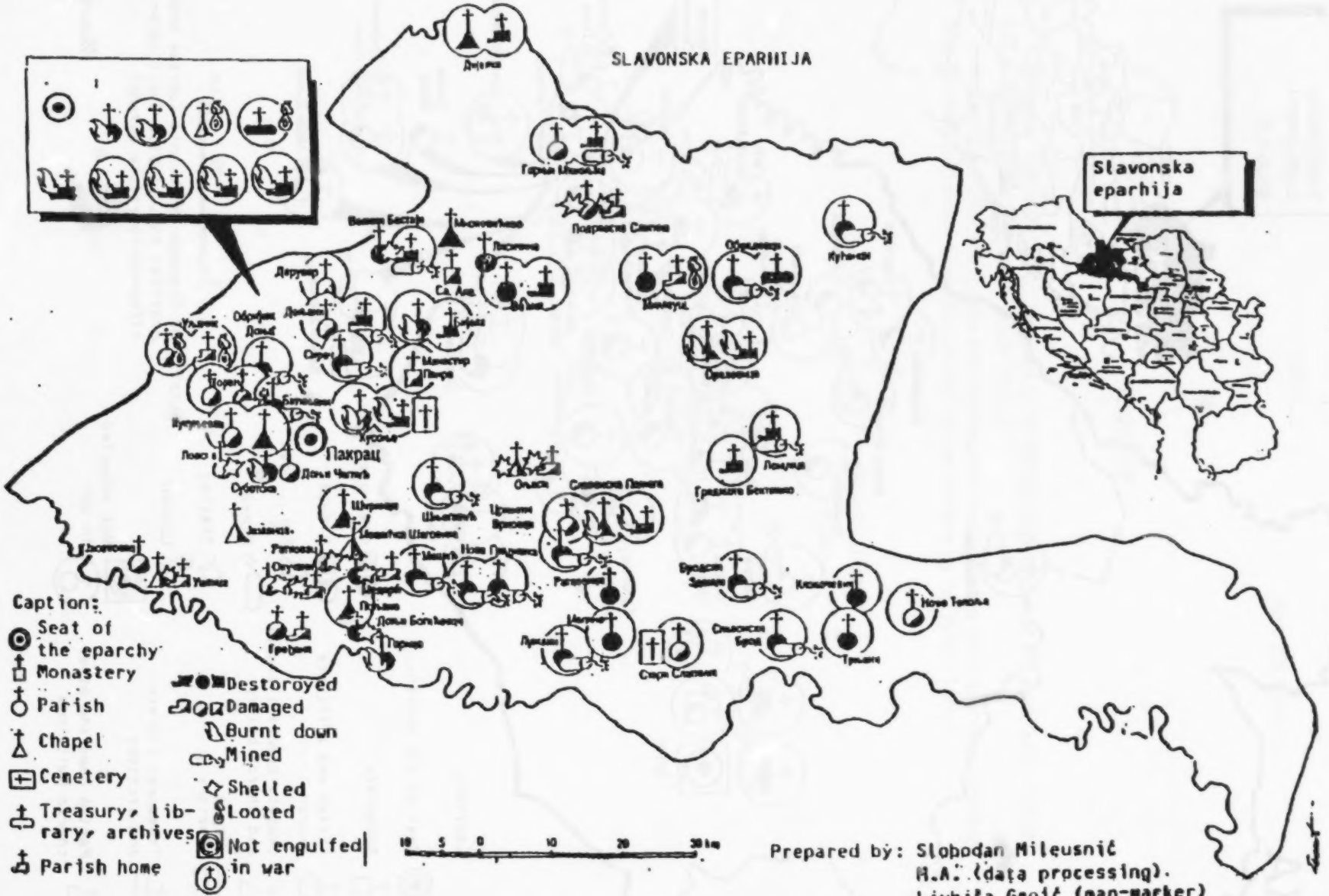
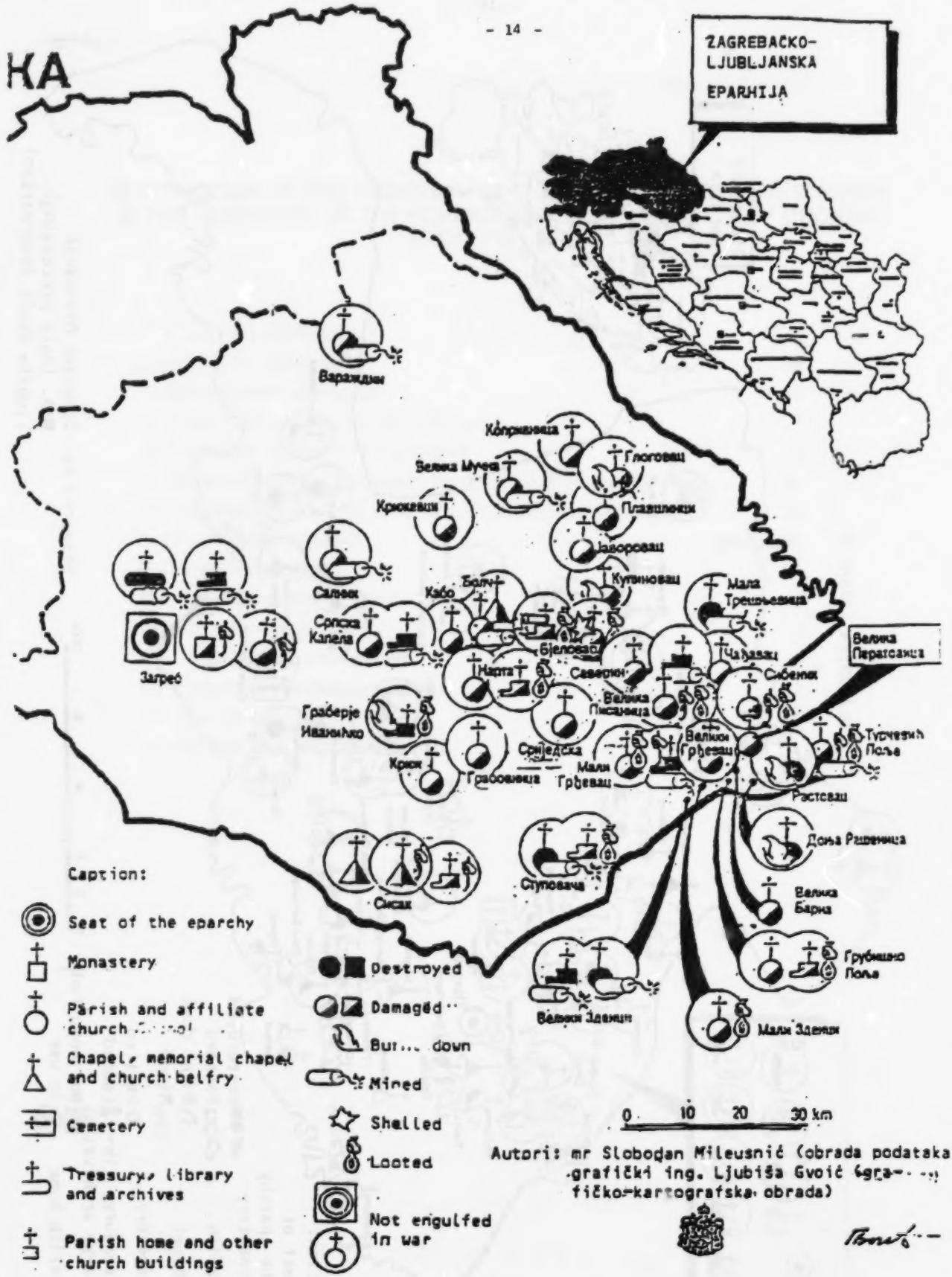
DESTRUCTION OF THE PROPERTY OF THE SERBIAN ORTHODOX CHURCH IN THE TERRITORY OF THE FORMER YUGOSLAV REPUBLIC OF CROATIA FROM 1991-1993

1. Churches demolished	70
2. Churches damaged	94
3. Monasteries damaged	4
4. Episcopal residences demolished	1
5. Episcopal residences damaged	3
6. Parochial homes and other church buildings demolished	34
7. Parochial homes and other church buildings damaged	30
8. Chapels demolished	(illegible)
9. Chapels damaged	11
10. Cemeteries demolished	9
11. Cemeteries damaged	3
12. Church museums mined	1
13. Episcopal residences looted	2
14. Church libraries looted	1
15. Church archives demolished	1


SLAVONSKA EPARHIJA
Slavonska eparhija
Пакрац
Caption:
Seat of the eparchy
Monastery
Parish
Chapel
Cenetery
Treasury, library, archives
Parish home
Destoroyed
Damaged
Burnt down
Mined
Shelled
Looted
Not engulfed in war
10 5 0 10 20 30 km
Prepared by: Slobodan Mileusnić M.A. (data processing).
Ljubiša Gojić (map-marker)



Autori: mr Slobodan Mileusnić (obrada podataka)
grafički ing. Ljubiša Gvoić (grafičko-kartografska obrada)

Annex 5

Agenda Item 12

REQUEST

I, father Branko Batinić, request a certificate attesting that my son Saša Batinić has been baptized in the Orthodox Church.

I need the certificate for the first communion because the child wishes to receive holy communion in the Catholic Church as demanded by his priest Tepeć.

Branko Batinić

Father

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Vasilije Kudjeljić
No. 254/IV, Pros. črtava Str.
41040 Zagreb

Srpska crkvena ... (illegible)
No. 7/II, Ilica Str.
Zagreb

REQUEST

I hereby request from the above Church Parish to issue a certificate that my children have been baptised in Church.

I request the certificate in my own name as a parent (father) to make it possible for my children to provide evidence of their baptism since my children have been disparaged as non-Christians by certain individuals (children at school).

Kudjeljić

Seal
Orthodox Mitropolitan of Zagreb
and Ljubljana Eparchy in Zagreb

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The Church of the Holy Cross
41020 ZAGREB - Siget
Aleja pomoraca bb

Zagreb, 22 May (year illegible)

TO WHOM IT MAY CONCERN

Marina Mandić

Marina Mandić will receive her first Communion from us at Siget in the Church of the Holy Cross and needs a certificate attesting to her having been baptized, so it would be appreciated if you could issue the certificate.

Antun... (surname illegible)

Seal:

Arch-Bishopric of Zagreb
Zagreb-Siget
Roman-Catholic Parish of the Holy Cross

Seal:
Metropolitan of the Orthodox Eparchy
of Zagreb and Ljubljana
in Zagreb

ANNEX 6 - Agenda Item 12

AFFIDAVIT OF RACIAL AFFILIATION

I, the undersigned **Savo Kovačević, priest of the Croatian Orthodox Church**, born on **10 July 1912 in Bijeljina**, belonging to the **Orthodox faith**, earlier on to the **Orthodox faith**,

Recognizing that any incorrect data and keeping silent about facts known to me would bring no less than a 3-month sentence of imprisonment and dismissal from place of work, or loss of my right to practice, I hereby assert, to the best of my knowledge and in full conscience, invoking also the oath I took on taking up this position, that there are no persons of non-Arian descent among my ancestors, namely:

Parents:	**are of Arian descent**
Grand-parents:	**are of Arian descent**
Great-grand parents:	**are of Arian descent**

are that my spouse **Nevenka Kovačević, nee Savić**, born on **3 January 1912** at **Kladanj**, belonging to the **Orthodox faith** and formerly belonging to the **Orthodox faith** whom I married on **23 January 1936** has among her ancestors no persons of non-Arian descent, namely:

Parents:	**are of Arian descent**
Grand-parents:	**are of Arian descent**
Great-grand parents:	**are of Arian descent**

Done in Tuzla, on 15 March 1944.

Signed by:

Savo Kovačević

Note by the Mayor: **I hereby verify and certify the authenticity of the above**

Signed by: Priest Savo Kovažević

Tuzla, 15 March 1944
Municipal Head Office in Tuzla

Seal:

Independent State of Croatia,

Croatian Orthodox Parish of (name of place illegible)